

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CONSTELLATION NEWENERGY, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 2241
)	
4220 KILDARE, LLC,)	
)	
Defendant.)	

MEMORANDUM ORDER

4220 Kildare, LLC ("4220") has filed its Answer to the Complaint brought against it by Constellation NewEnergy, Inc. ("NewEnergy"). This memorandum order is issued sua sponte because of one aspect of the Answer that requires supplementation.

When NewEnergy filed its Complaint, invoking federal jurisdiction on diversity of citizenship grounds, its Complaint ¶5 properly referred to the citizenship of the members of 4220, and this Court accepted that allegation as sufficient to confirm the existence of the required diversity. But 4220 has now denied the allegations in Complaint ¶5, although Answer ¶7 places doubt on that denial. Because 4220 obviously has knowledge of the identity of its members, and because this Court's threshold function is to determine the existence of subject matter jurisdiction, 4220 is ordered on or before June 17, 2013, to file:

1. an explanation of the predicate for its denial of

the allegations of Complaint ¶5 and

2. an amendment to its answer to Complaint ¶7 by specifically identifying its members and their respective states of citizenship.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: June 6, 2013